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Secrecy and Abuse of Power

By ANTHONY MARRO

WASHINGTON—In the autumn of 1975, when the Senate Intelligence Committee was checking allegations that the Central Intelligence Agency had plotted to kill Patrice Lumumba, who had been Prime Minister of Congo, committee investigators visited a former Central Intelligence Agency officer named Bronson Tweedy.

Mr. Tweedy, who had been chief of the African Division of the agency's clandestine service, at first professed to know nothing about any such plot.

When cables that he had sent to Leopoldville were produced, his memory improved, but he said his recollection was that it had been only "contingency planning." A second intelligence officer told the committee that a third had asked him flat-out to murder Mr. Lumumba. Mr. Tweedy, however, was never able to recall the matter with any precision. His real concern had been with administrative matters, he said: "When it comes to operational detail, I start getting fuzzy."

By the time the investigators had ended their two-year inquiry into the alleged abuses of the intelligence agency and the Federal Bureau of Investigation, many of them had concluded that one of the most troubling things about the two agencies was a lack of accountability that had flourished in the secrecy of their operations.

With President Carter's nomination of Adm. Stansfield Turner as the new intelligence director pending in the Senate, and the search for a new bureau director about to begin, the debate over how best to monitor the intelligence agencies is continuing.

There are some who argue that naming outsiders to the jobs is a good place to start. "The system has got to be

ventilated from time to time by outsiders," one intelligence officer said.

Many agency people resist the idea on the ground that outsiders are not properly sensitive to the agencies' needs and tasks. But the dangers of long-range control by a tight group of insiders was summed up nicely by William C. Sullivan, the former third in command in the bureau. Never once in his thirty years in the bureau, he told the Senate Intelligence Committee, "did I hear anybody, including myself, raising the question: 'Is this course of action which we have agreed upon lawful, is it legal, is it moral?'"

The result was a pattern of break-ins, buggings, surveillances and mail-openings that, in the view of the Senate Committee, violated the rights of thousands of United States citizens, many of whom had committed no crimes at all.

That was not uncommon, and one of the things that was learned when the curtain of secrecy was partly lifted was that some of the activities launched by the agencies were as inefficient and poorly executed as they were improper. A General Accounting Office audit of a sampling of 676 domestic intelligence investigations begun by the bureau showed that only 16 were ever recommended for prosecution, only 7 ever wound up in court and only 4 resulted in convictions.

Much of this could not have happened if Congress and the executives had not been willing to tolerate it and, to some degree, encourage it. Congress approved 19 of Mr. Hoover's 21 last budgets exactly as he submitted them. And when Senator Howard Baker, Republican of Tennessee, completed his one-man investigation of the agency's involvement in Watergate, he literally had to shove his report into the hands of a reluctant Senator John Stennis, Democrat of Mississippi and head of the oversight committee, who kept it for two days and sent it back marked "Unread."

In the last year, a number of steps have been taken to curb abuses by the intelligence agencies, and to hold officials accountable for their actions. A new oversight committee was created in the Senate, the Justice Department has set guidelines that limit the Federal Bureau of Investigation's domestic intelligence activities and former President Ford took a number of actions (that he termed strict but that some critics protested were illusory and weak) to establish clear lines of accountability for decisions involving covert operations or sensitive intelligence-gathering activities.

But outsiders, including many who conducted past investigations, insist other safeguards also are needed. They include, for example, an inspector general to whom agents can go with guaranteed secrecy to protest orders they consider illegal; a rewriting of the 1947 National Security Act to prohibit clandestine activities which are now covered only by executive order; and a provision that the President and the Congress will be on record as being involved in major decisions.

Even without those added safeguards, however, the new directors will have a check on their activities that never concerned most of their predecessors. More than four dozen present and former intelligence officers are now being sued for millions of dollars in civil courts by persons who had been under Government surveillance. The litigation, which is expected to drag on for years, will be a constant reminder that even if Congress and Presidents turn their backs on abuses, there is always the possibility that the directors might end up in court.

Anthony Marro is a reporter in the Washington bureau of The New York Times.